

FINAL BILL REPORT

HB 1401

C 99 L 17
Synopsis as Enacted

Brief Description: Requiring the court to remove any person serving as a court-appointed special advocate or volunteer guardian ad litem if that person has made a materially false statement under oath.

Sponsors: Representatives Ortiz-Self, Stonier, Ryu, Peterson, Santos, Jinkins, Appleton and Bergquist.

House Committee on Judiciary
Senate Committee on Human Services, Mental Health & Housing

Background:

A guardian ad litem (GAL) is a person appointed in a court proceeding to represent the best interests of a party and to investigate and report to the court on relevant matters. In the context of a child dependency proceeding, the court must appoint a GAL to represent the best interests of the child who is the subject of the dependency. A GAL is authorized to investigate, present evidence at court hearings, submit factual reports, and make recommendations to the court regarding the child's situation and the best interests of the child.

Many GALs appointed in dependency proceedings are volunteers that work through a court-established GAL program or a court-appointed special advocate (CASA) program. When a CASA or volunteer GAL is requested on a case, the court appoints the person recommended by the CASA or GAL program. If a court does not have a GAL program with a sufficient number of volunteers, the court may appoint a suitable person who may be compensated for his or her services. Compensated GALs must be appointed based on a rotational registry system, unless the court finds there are extraordinary circumstances, or if a joint recommendation of a GAL is made by the parties.

Each GAL program must maintain a background information file on all GALs that must contain specified information, including education, training, experience, number of prior appointments, and criminal history. Upon appointment, this information must be made available to the court and to the parties. The background information file must also include the counties where the GAL was removed from a registry pursuant to a grievance process and the court and cause number of any case from which the GAL was removed for cause.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a party has a complaint about a GAL, the party may file a grievance in superior court. Each superior court is required to adopt court rules establishing procedures for filing, investigating, and adjudicating grievances made by or against a GAL. The court must remove a GAL who misrepresents his or her qualifications from the registry pursuant to a grievance process. If a court removes a GAL based on a grievance, the court must notify the Administrative Office of the Courts (AOC), and the AOC must forward the information to the superior courts of each county in the state.

Summary:

Under child dependency laws, a court must remove any person from serving as a court-appointed special advocate or volunteer guardian ad litem if the court is notified that the person has been removed from another county's registry as the result of a grievance or if the court is otherwise made aware that the individual was found by a court to have made a materially false statement that he or she knew to be false during an official proceeding under oath.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: July 23, 2017